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**ENDORSEMENTS**

Amigos de Bolsa Chica  
Algalita Marine Research  
Foundation  
Anza Borrego Foundation  
Ballona Wetlands Land  
Trust  
City of Huntington Beach  
Friends of Harbors,  
Beaches and Parks  
Huntington Beach  
Wetlands Conservancy  
Huntington Beach Tomorrow  
Orange Coast League of  
Women Voters  
Orange County  
Coastkeeper  
Sea and Sage Audubon  
Sierra Club  
Angeles Chapter  
Surfrider Foundation  
Wildlands Conservancy

March 31, 2008

Ms. Teresa Henry  
South Coast District Manager  
**California Coastal Commission**  
*South Coast District*  
200 Oceangate, 10<sup>th</sup> Floor, Suite 1000  
P.O. Box 1450  
Long Beach, CA 90802-4302

**RE: Appeal A-5-HNB-07-242 of Coastal Development Permit  
CDP No. 5-05-020 (Hearthside Homes' Project)**

Dear Ms. Henry:

The Bolsa Chica Land Trust wholeheartedly agrees with the Coastal Commission's decision to appeal the entry monumentation for the Brightwater Project. It is certainly confusing to the public as to whether there is public access beyond the entry monuments at Bolsa Chica Street and Los Patos Road.

We agree with the staff recommendations that the monument on the east side of Bolsa Chica Street should be removed and the increased signage added. **We do not** agree that the monument on the west side should remain. We feel that the combination of the center island and large proportions of the west side monument will still be intimidating, even with the added signage, to the public seeking to enjoy the beauty of the Bolsa Chica (exhibit #1). With the true entrance to the development approximately 1000 feet to the south, there is no need of either monument. The entrance to the development at Bolsa Chica Street and Brightwater provides an adequate statement that you are entering a very unique area (exhibits #2, 3).

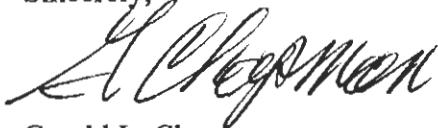
Please vote in favor of removing the monuments from both east and west sides of Bolsa Chica Street and adding the increased informational signage to insure that there is no confusion to the public's right to access.



Also enclosed is an aerial view which shows the distance from Los Patos to the real entrance at Brightwater Street and Bolsa Chica Street (exhibit #4).

Thank you for your careful consideration of the impacts of this project on the public's access to Bolsa Chica.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Chapman", written in a cursive style.

Gerald L. Chapman  
President, Bolsa Chica Land Trust

#1





#2





#3



#4

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

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Filed: 7/23/07  
49th Day: 9/10/07  
S.I. Found: 9/5/07  
Staff: Meg Vaughn-LB  
Staff Report: 3/20/08  
Hearing Date: 4/9-11/08  
Commission Action:



**STAFF REPORT: APPEAL**  
**DE NOVO COASTAL DEVELOPMENT PERMIT**

**APPEAL NUMBER:** A-5-HNB-07-242

**Local Government:** City of Huntington Beach

**APPLICANTS:** Signal Landmark, Linda White

**AGENT:** Ed Mountford, Hearthside Homes  
Paul Edwards, FORMA

**APPELLANTS:** Commissioners Shallenberger and Wan

**PROJECT LOCATION:** 17261 Bolsa Chica Street  
(east and west side of Bolsa Chica Street, south of Los Patos Avenue)  
Huntington Beach, Orange County

**PROJECT DESCRIPTION:** After the fact approval of entry monumentation for "Brightwater" residential development consisting of 10 ft. 6 in. high, decorative block wall and trellis structure located within portions of the public right of way.

**SUMMARY OF STAFF RECOMMENDATION**

The application for the proposed project is before the Commission as the result of an appeal of the City-approved local coastal development permit (No. 2007-004). On September 5, 2007, the Commission found that a substantial issue exists with regard to the proposed project's effect on public access, land use, and public views. The staff recommends that the Commission, after public hearing, **deny** a de novo coastal development permit for the proposed entry monument on the eastern side of Bolsa Chica Street. Staff recommends that the Commission, after public hearing, **approve with conditions** a de novo coastal development permit for the proposed entry monument on the western side of Bolsa Chica Street.

The four recommended special conditions would require the applicants to 1) submit revised plans indicating that the eastern entry monument has been removed from the project; 2) submit an enhanced public access signage program as suggested by the applicant; and, 3) comply with permit conditions in a timely manner; and 4) clarification that any conditions imposed by the City not in conflict with this coastal development permit, remain applicable to the project.

**See Pages Two and Three for the motion and resolutions** necessary to carry out the staff recommendation. The applicants do not agree with the staff recommendation to deny the eastern monument.

**SUBSTANTIVE FILE DOCUMENTS:**

City of Huntington Beach Certified Local Coastal Program  
Appeal of Commissioners Shallenberger and Wan  
City Permit Record for local Coastal Development Permit No. 2007-004/Conditional Use Permit No 2007-014  
Coastal Development Permit No. 5-05-020 (Brightwater)  
Letter w/ attachments from Paul Edwards, FORMA, dated 1/24/08

**STAFF NOTE:**

On September 5, 2007, after a public hearing, the Commission found that a substantial issue exists in regards to the proposed project's effect on public access, land use and public views. After it finds substantial issue on appeal, the Commission is required to hear the matter *de novo*. According to Section 30604 of the Coastal Act, because this project is located between the first public road and the sea, the standard of review in considering the project is the access and recreation policies of the Coastal Act and the policies of the certified City of Huntington Beach Local Coastal Program (LCP).

**STAFF RECOMMENDATION:**

**I. Staff Recommendation of Approval in Part and Denial in Part**

Staff recommends that the Commission adopt the following two-part resolution. The motion passes only by affirmative vote of a majority of the Commissioners present

**A. Motion**

***"I move that the Commission adopt the staff recommendation to approve in part and deny in part Coastal Development Permit No. A-5-HNB-07-242"***

**B. Resolution**

**Part 1 Approval with Conditions of a Portion of the Development**

The Commission hereby **APPROVES**, as conditioned, a coastal development permit for the portion of the proposed development regarding construction of one entry monument consisting of 10 ft. 6 in. high, decorative block wall and trellis structure located on the western side of Bolsa Chica Street, south of Los Patos Avenue, and adopts the findings set forth below on the grounds that the development as conditioned will be in conformity with the certified Huntington Beach Local Coastal Program and the public access and recreation policies of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

**Part 2 Denial of the Remainder of the Development**

The Commission hereby **DENIES** the portion of the proposed coastal development permit consisting of the 10 ft. 6 in. high, decorative block wall and trellis structure



located on the eastern side of Bolsa Chica Street, south of Los Patos Avenue, and adopts the findings set forth below, on the grounds that the development would not be in conformity with the certified Huntington Beach Local Coastal Program or the public access and recreation policies of the Coastal Act, and would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the amended development on the environment.

## **II. Standard Conditions**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

## **III. Special Conditions**

### **1. Revised Plans**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit revised project plans for the review and approval of the Executive Director. The revised plans shall indicate that the entry monument on the east side of Bolsa Chica Street has been deleted from the project plans.

The permittee shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**2. Public Access Signage Plan**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director:

**A.** A public access signage plan that incorporates the following components:

1. All components described in a letter dated 1/24/08 from FORMA, including public access signage located (in addition to any other public access signage required by coastal development permit 5-05-020):

- a) along Warner Avenue in both directions;
- b) in the median of Bolsa Chica Street north of Los Patos;
- c) at the intersection of Bolsa Chica Street and Los Patos and clearly visible from Los Patos;
- d) at Brightwater Drive and Bolsa Chica Street, clearly visible from Bolsa Chica Street; and,
- e) at the eastern trailhead of the Brightwater bluff trail system.

2. Signage along Bolsa Chica Street shall be large enough to be clearly legible from traveling vehicles and should conform to the following minimum standards:

- a) Median signage – five feet in width, three feet, eight inches in height; with lettering one foot high; the lettering shall state: “Public Trails” and/or “Public Trail Access” with appropriate directional arrow(s);
- b) Pole Signs (including those on Warner Avenue and along Bolsa Chica Street) – Four square feet; with lettering at least six inches in height; the lettering shall state: “Public Trails” and/or “Public Trail Access” with appropriate directional arrow(s).

3. Signage along Warner shall be large enough to be clearly legible from traveling vehicles and conform to the sign standards of the City of Huntington Beach.

4. Written evidence that the above plan has been reviewed and approved by the City of Huntington Beach and that the City accepts responsibility for continued maintenance of the public access signs on Warner Avenue, and;

5. Written evidence that the Brightwater Maintenance Corporations (BMC) agrees to maintain in perpetuity all public access signage associated with this permit.

**B.** The permittee shall undertake and maintain the development in conformance with the final plans approved by the Executive Director. Any proposed changes to the approved plans shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**3. Condition Compliance**

Within 60 days of Commission action on this coastal development permit application, or within such time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

**4. Local Government Approval**

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act. In the event of conflict between the terms and conditions imposed by the local government and those of this coastal development permit, the terms and conditions of this Coastal Development Permit A5-HNB-07-242 shall prevail.

**IV. Findings and Declarations**

The Commission hereby finds and declares:

**A. Project Description**

The applicant requests after-the-fact approval of entry monumentation for the “Brightwater” residential development. The entry monumentation would consist of two monuments, one on each side of Bolsa Chica Street, approximately eighty feet south of the intersection with Los Patos Avenue. Each monument would be a ten foot, six inch high decorative block wall and trellis structure. The stone walls of the proposed monuments would extend to eight feet in height, with a width of twenty three feet across, and to a depth of approximately eight feet (from front to back). (See exhibit 2). The stone walls would be topped with a trellis structure that will bring the total height of the structure to ten feet six inches. The monuments approved by the City would include a five foot, eight inch opening to accommodate a pedestrian sidewalk. The entry monument proposed on the eastern side of Bolsa Chica Street would be located within the public right of way. The monument on the western side of the street would be located within the yard setback area of the existing Sandover residential development. In addition, the project includes a raised planter within the street median within Bolsa Chica Street south of Los Patos.

The project site is located approximately 1,000 feet north of the intersection of Bolsa Chica Street and Brightwater Drive at 17261 Bolsa Chica Street (east and west side of Bolsa Chica Street, south of Los Patos Avenue) in Huntington Beach, Orange County (See Exhibit 5).

**B. Denial In Part Findings**

**1. Public Access**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California constitution,*

*maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The City's certified Land Use Plan contains the following policies regarding public access:

Policy C 1.1.5 states:

*New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.*

Policy C 2.2.7 states:

*Develop a riding and hiking trail network and support facilities that provide linkages within the Coastal Zone where feasible and appropriate.*

Policy C 2.6.6 states:

*Promote public access to coastal wetlands for limited nature study, passive recreation and other low intensity uses that are compatible with the sensitive nature of these areas.*

Assuring that public access at and near the project site is maximized and in no way curtailed (as required by the City's certified LUP and the public access policies of the Coastal Act) is especially important given the significant public access and view opportunities in the vicinity. The subject site is located between the sea (the tidally influenced Bolsa Chica wetlands) and the first public road paralleling the sea (Los Patos Avenue). See exhibits 3 & 4 for a view of the subject site and the public access opportunities in the vicinity.

In approving the Brightwater development (5-05-020) the Commission found:

*"The provision of public access in new development proposals is one of the main tenants [sic] of the Coastal Act, especially in conjunction with new development located between the sea and the first public road, such as the subject project. The 225-acre Bolsa Chica Mesa is located between the first public road and the mean high tide of the sea. At roughly 50 ft. above mean sea level, spectacular views of the wetlands and the associated wildlife and uninterrupted views of the Bolsa Chica State Beach and Pacific Ocean are available from the upper bench of the Bolsa Chica Mesa. Santa Catalina Island is also often visible from the project site. The Bolsa Chica Wetlands at approximately 1,000 acres is the largest remaining wetland in Southern California. Following the 1997 State acquisition of most of the remaining wetlands that were under private ownership, a comprehensive Bolsa Chica wetlands restoration effort is now underway. Given the prominence of the adjacent Bolsa Chica wetlands, appropriate public access and passive recreational opportunities must be provided and conspicuously posted. Further, the Coastal Act gives priority to land uses that provide opportunities for enhanced public access, public recreation and lower cost visitor recreational uses."*



A trail connection between the Brightwater trail system and the East Garden Grove Wintersburg Flood Control Channel levee trail is also anticipated in the future and shown on the approved public access plan for the Brightwater development. In addition, the Commission recently (November 2007) approved a Local Coastal Program amendment for the "Parkside" site (HNB LCPA 1-06) which included public access requirements to be provided with site development. These included the provision of public access within the site, and a future connection to and along the north levee of the County flood control channel.

The residential development the proposed monuments are intended to announce, the Brightwater residential development, was approved by the Coastal Commission under Coastal Development Permit No. 5-05-020 (Brightwater). That development was originally proposed as a private, guard gated community. However, as approved by the Commission, the development will be open to general public vehicular and pedestrian access, also allowing public parking on all subdivision streets. Also, as approved by the Commission, the development will include a public trail along the southern bluff edge of the development, with public paseos and pocket parks throughout (see exhibit 4). The Commission's approval also required public access signage. The Commission found, in approving coastal development permit 5-05-020, that only with the public access and recreational amenities required with the Brightwater residential development could the project be found to be consistent with the public access requirements of the Coastal Act. The project also included community identification signage at the two entry points into the Brightwater development (Brightwater Drive entries at Bolsa Chica Street and at Warner Avenue).

In considering the proposed entry monumentation project, it is important to consider its potential impacts on the public amenities available in the area and especially those amenities required as a condition of approval of the Brightwater development (5-05-020). The entry monuments would be placed near the intersection of the public streets Los Patos Avenue and Bolsa Chica Street, creating the impression that Bolsa Chica Street south of Los Patos is the entry to a private residential development. In addition, the entry monuments would be ten feet, six inches in height where, according to the Notice of Action, the City would typically allow a height of only 42 inches. The scale of the entry monuments is massive, with stone walls extending to eight feet in height, with a width of 23 feet across, and to a depth (from back to front) of approximately eight feet. The eight foot stone wall would be topped with a trellis structure bringing the total height of the structure to ten feet six inches.

It is important to note that the Commission has already approved entry monuments for the Brightwater development which would be located at the actual entry to the development. Moreover, along with the community identification signage (entry monuments), the Commission required public access signage to be placed at the entry to the residential development in order to make clear the public nature of the development's streets, trails and parks. The proposed monuments would create an impression that the development is private. Since these proposed entry monuments precede the public access signage required by the Commission in conjunction with the Brightwater project, the effectiveness of those signs would be substantially diminished because the public would be unlikely to pass

by the massive monuments to reach the point where the public access signage would be visible.

In response to the finding of substantial issue at the Commission's September 5, 2007 hearing, the applicant has suggested an expanded public trail access signage program in conjunction with the entry monument project. However, the signage program alone would not sufficiently counteract the adverse impact of placing massive entry monumentation along each side of Bolsa Chica Street that gives the impression of a private gateway to a private community. The proposed entry monuments are located well away from the actual entry to the Brightwater residential development. Each entry monument is ten feet, six inches high, twenty three feet wide, and approximately eight feet deep (front to back). (See exhibit 2). These tall stone walls establish an ambiance of private exclusivity upon a public roadway that is an important entry point to public trails, parks and open spaces beyond.

Moreover, the monuments are not proposed to be located at the actual entrance to the Brightwater residential development, but rather they are to be located approximately 1,000 feet north of that entrance. The symmetry of the two monuments on either side of the street creates the impression the entryway into the residential development is at these monuments rather than at the actual entry, which is 1,000 feet to the south and then only on the western side of the street. Indeed that is the intended effect of the monuments or they wouldn't be described as "entry" monuments. By placing the monuments, not at the actual entrance to the residential development, but at the intersection of two public streets, it appears that one is entering the neighborhood at this public intersection. In fact, contrary to the image created by the size and location of the proposed monuments, one would actually be continuing down a public street (Bolsa Chica Street) and would not be entering the neighborhood at all.

Most problematic is the entry monument on the eastern side of Bolsa Chica Street. The scale of the monuments and their symmetrical placement creates the false impression that the area beyond is an exclusive private residential development. Moreover, the eastern monument would be located in a public right-of-way, which is discussed in the following section on land use.

However, if the applicant's suggested public access signage plan (described in greater detail elsewhere in this staff report) were established AND the eastern entry monument were eliminated from the project, the project could be found to be consistent with the City's certified LUP policies regarding public access and with the public access policies of the Coastal Act. Removing the entry monument on the eastern side of Bolsa Chica Street would break up the symmetry which creates the appearance of a private gateway. Although removing both entry monuments on each side of the road would conclusively resolve the privatization issue, the applicant is proposing signage that will mitigate any lingering impression that the area beyond the single monument is exclusive and private. Thus, only if the eastern entry monument were deleted from the proposed project and revised plans submitted reflecting this change could the proposed project be found to be consistent with the City's certified LUP policies regarding public access and with the public access policies of the Coastal Act.

Therefore, the Commission finds that the proposed construction of the entry monument on the eastern side of Bolsa Chica Street is inconsistent with the City's certified LUP policies regarding public access and with the public access policies of the Coastal Act and therefore must be denied.

## **2. Land Use**

The City's certified Land Use Plan contains the following policies regarding land use:

### **Policy C 1.2.2**

*Require that development be designed to account for the unique characteristics of project sites and objectives for Coastal Zone character in accordance with the Development "Overlay" schedule in Table C-1, as appropriate.*

### **Policy C 7.1.3**

*Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

The entry monument proposed on the eastern side of Bolsa Chica Street would be located within the public right of way and immediately adjacent to land that is land use designated Open Space Parks in the City's certified Land Use Plan. The City's findings for approval of the local coastal development permit state (regarding the eastern monument): "The 23-foot wide entry monumentation structure is proposed to occupy 10 feet of private property and 13 feet of public right-of-way (sidewalk and parkway)."

The eastern entry monument is inconsistent with the land use policies of the City's certified LCP. It is proposed to be placed within the public right of way and immediately adjacent to land that the City's certified Land Use Plan designates Open Space Parks. Taken together with the monument proposed on the western side of Bolsa Chica Street, due to their scale and location on both sides of the street, they create the impression of a private entry to a residential neighborhood. Although the structures would include pedestrian openings of five feet eight inches wide and approximately eight feet in height, this is not sufficient to offset the appearance that the area is not open to the public.

Furthermore, the use of public land area to announce private residential development is not an appropriate use of public land (right of way). If the area is not needed to accommodate anticipated traffic flow, the area would be more appropriately used to accommodate a bicycle lane, public benches, bike racks or similar public serving development.

Land Use Plan policy C 7.1.3, cited above, requires that development adjacent to parks be sited and designed to be compatible with the continuance of the park use and to prevent impacts that would degrade the park area. The proposed eastern entry monument will be located immediately adjacent to land designated Open Space Parks (the site is currently vacant). Consideration of how the proposed development would impact future development consistent with the Open Space

Parks designation should occur at this time. It is important that current development not prejudice future development of the site with a land use that would be inconsistent with this certified land use designation. This is particularly important in this case because project plans submitted by the property owner depict lot lines, a street cul de sac and the notation "future development" within the land designated Open Space Parks (see exhibit 6). These plan notations raise the issue of whether the proposed placement of the entry monuments was in fact chosen in order to serve development not yet proposed and which would conflict with the certified land use designation. The issue of prejudicing possible future use of the Open Space Parks site is emphasized by this proposal to locate the monument, not at the actual entrance to the approved Brightwater residential development, but at the intersection of public streets outside the entrance.

Any future development of the land adjacent to the project on the eastern side must be consistent with the certified land use designation. Development other than as parkland would require approval of an LCP amendment allowing the change in land use designation. The project plans submitted by the applicant indicate that residential development is being contemplated in the area designated Open Space Parks. Residential development is a much lower priority under the City's certified LCP than public parks. In addition, the Commission's recent action approving with suggested modifications City of Huntington Beach Local Coastal Program amendment 1-06 (Parkside), results in the land immediately to the east of the parcel designated Open Space Parks being designated Open Space Conservation. So all the area on the eastern side of Bolsa Chica Street is designated Open Space. An entry monument for residential development is not appropriate at the gateway to a significant open space area. Any proposal to redesignate the area currently designated Open Space Parks, would have to take into account impacts to this Open Space designated area. Thus, approval of an LCP amendment allowing a change in land use from Open Space to residential is problematic and should not be assumed.

It appears possible that the intent of placing the entry monuments in the proposed location is to create the impression that both sides of Bolsa Chica Street, south of Los Patos Avenue is residential area. This conflicts with the certified land use designation of the site on the east of the proposed development, which is designated Open Space Parks. Thus, the project is inconsistent with LCP Policy C 7.1.3 which requires that development in areas adjacent to parks and recreation areas be sited and designed to be compatible with the recreation area.

In addition, as described above, the land immediately adjacent to the east of the project site is land use designated Open Space Parks. Table C-1, referred to in policy C 1.2.2 describes typical permitted uses for land use categories. For Open Space Parks, typical permitted uses include: "public parks and recreational facilities, which provide activities such as, but not limited to: picnic and observation areas, nature trails, peripheral bike paths, tot-lots, play fields, informational signs and/or displays. Ancillary development may include buildings such as maintenance equipment storage, restrooms, nature centers, concession stands, and parking." Private residential monumentation, for a residential development located more than 1,000 feet to the south and only on the western side of the street, is not a use consistent with the uses described in policy C 1.2.2. Whether the monument is placed within the public right of way, or within the area land use designated Open Space Parks, it is not consistent with the uses contained in Table C-1 of the certified Land Use Plan and thus is inconsistent with policy C 1.2.2 of the Land Use Plan. Placement of the eastern entry monument in the location and at the scale proposed, could prejudice future development of the land designated Open Space Parks, which would be inconsistent with the land use policies of the certified LCP.



Land Use Plan policy C 1.2.2 requires development be designed to account for the unique characteristics of the site and objectives for Coastal Zone character in accordance with the Development “Overlay” schedule in Table C-1. The proposed eastern entry monument does not take into account the unique opportunity of the subject site to establish an entry point with support facilities (e.g. parking, restrooms, interpretive signs, etc.) to the public facilities beyond including but not limited to the trail network within the Brightwater development, open space and trails contemplated at the Shea property, the Bolsa Chica Reserve, and beyond that is available from Bolsa Chica Street. In fact, the project would reduce or even eliminate public awareness of the availability of these public amenities and open space.

However, if the eastern entry monument were eliminated from the project, conflicts with the area designated Open Space – Parks in the certified Land Use Plan and with private development within the public right-of-way, would be eliminated. The remainder of the project, including the western entry monument, could be found to be consistent with land use policies of the certified LUP only if the enhanced public access signage program is also included.

Therefore, for the reasons cited above, the proposed eastern entry monument is inconsistent with the land use policies of the City’s certified LCP and therefore must be denied.

It appears, from a project plan submitted by the property owner that the public right of way is intended to be reduced by 20 feet. Although this is not included in the project currently proposed, it should be noted that this raises additional concerns. The public right of way in this location could be used to provide bicycle lanes, public benches, or other similar public amenities. No approval of this right-of-way reduction is included in this coastal development permit.

### **3. Visual Resources**

The City’s certified Land Use Plan contains the following policies regarding visual resources:

Policy C 4.1.2

*Designate lands for the provision of passive and visual open space on the Coastal Land Use Map, which provide a balance to the urban and suburban development of the Coastal Zone.*

Policy C 4.2.1 (in pertinent part)

*Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:*

- a)...
- b)...
- c) *Evaluation of project design regarding visual impact and compatibility.*
- d) ...

Policy C 4.5.2 (in pertinent part)

Establish special regulations for on-premise signs within the Coastal Zone that may include but will not be limited to:

- a) ...
- b) Limits to the height, size, design and materials of signs.
- c) ...
- d) ...
- e) ...

The City's certified Land Use Plan contains the policies cited above to protect public views. The proposed project includes construction of a 10 ½ foot high, 23 feet wide entry structure within a public right-of-way and immediately adjacent to land that is land use designated Open Space Parks in the City's certified Land Use Plan. Such a massive structure in and adjacent to the public right of way, as well as adjacent to land designated for public park and open space recreational uses, would be visible to the public. In addition to the impacts to public access described above due to the scale and location of the structure, impacts to public views would also occur. Public views at this site occur from and across the future park as well as down Bolsa Chica Street toward the open space wetland areas beyond. The scale and location of the proposed development will adversely impact those public views, inconsistent with the requirements of the visual resource policies of the City's certified LCP.

However, if the proposed project were modified to eliminate the eastern entry monument, impacts to public views would be significantly reduced. Public views down Bolsa Chica Street toward the wetland areas would remain. Views from any future park at the site designated for park use would not be adversely impacted. Therefore, the Commission finds that the proposed eastern entry monument is not consistent with the visual resources policies of the City's certified Land Use Plan and therefore must be denied.

**D. Approval in Part Findings**

**1. Public Access**

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

The City's certified Land Use Plan contains the following policies regarding public access:

Policy C 1.1.5 states:

*New residential development should be sited and designed in such a manner that it maintains and enhances public access to the coast.*

Policy C 2.2.7 states:

*Develop a riding and hiking trail network and support facilities that provide linkages within the Coastal Zone where feasible and appropriate.*

Policy C 2.6.6 states:

*Promote public access to coastal wetlands for limited nature study, passive recreation and other low intensity uses that are compatible with the sensitive nature of these areas.*

As described previously in this staff report, there are very valuable public access opportunities at the subject site and in the immediate vicinity. Assurance that these opportunities are maintained, encouraged and enhanced is required by the public access policies of the City's certified LUP and by Section 30210 of the Coastal Act.

In response to the finding of substantial issue at the Commission's September 5, 2007 hearing, the applicants have suggested an expanded public trail access signage program in conjunction with the entry monument project (See exhibit 7). The expanded signage program would include:

1. Two (2) signs installed on Warner Avenue – one for westbound traffic and one for eastbound traffic – directing the public south down Bolsa Chica Street toward the Brightwater trailhead;
2. A new monument sign installed in a new median within Bolsa Chica Street north of Los Patos Avenue identifying "Public Trails" with an arrow pointing straight ahead;
3. A new public trail access sign to be installed immediately below the City's existing "Bike Lane" sign within the Bolsa Chica Street parkway, south of Los Patos, and;
4. A public trail access sign to be installed south of the intersection of Brightwater Drive and Bolsa Chica Street with language indicating Public Trail Access Straight Ahead.

Some public access signage is already provided as required by the Commission's approval of the Brightwater residential development (5-05-020). This includes signage at both ends of Brightwater Drive and interpretive kiosk at the Brightwater trail head. These signs are located seaward of the proposed entry monuments.

The expanded public trail access signage program described above would increase the awareness of the public trail opportunities available at the Brightwater development and beyond. However, the applicants have not formally proposed the signage program. Therefore, in order to insure that the proposed signage is carried out as described by the applicant, a special condition is imposed which requires the applicant to submit, for the review and approval of the Executive Director, a comprehensive public access signage plan including the components described in the letter from FORMA dated 1/24/08. The special condition further requires that the applicants comply with the approved public access signage plan.

The expanded public access signage program includes development located outside the coastal zone. The signs along Warner Avenue and within the Bolsa Chica Street median

north of Los Patos are located outside the coastal zone. These signs are necessary components of an overall public access signage plan for the subject site. The locations of these signs, although outside the coastal zone, are appropriate and necessary to mitigate the adverse impact of development within the Coastal Zone. Warner is the nearest major thoroughfare and so is an appropriate location to provide public access signage. Likewise the location of the median signage proposed within Bolsa Chica Street north of Los Patos, confirms for visitors turning from Warner that public access is ahead. The location of the median signage would also help to balance the impact of incorporating some additional entry monumentation (although not as extensive as is proposed – see discussion below). The City has reviewed the expanded public access signage plan and found it to be acceptable. In order to assure that the enhanced public access plan is carried out and remains in perpetuity, a special condition is imposed which requires the applicants to submit written evidence that 1) the City has approved the plan and accepted responsibility for the continued maintenance of the Warner Avenue signs, and 2) that the Brightwater Maintenance Corporation (which is responsible for the common areas of the Brightwater residential development) will maintain in perpetuity all other public access signage associated with this permit.

As described in the findings for denial, the eastern entry monument is not consistent with the public access policies of the City's certified LUP or with the public access policies of the Coastal Act. Consequently, the eastern entry monument has been denied. The project plans, however, include the eastern entry monument. Therefore, to assure that only the portions of the project that are consistent with the public access policies of the LUP and Coastal Act are allowed, a special condition is imposed which requires submittal of revised plans that indicate that the eastern entry monument has been eliminated from the project.

With the required public access signage plan, taken together with elimination of the eastern entry monument, the project can be found to be consistent with the City's certified LUP policies regarding public access and with the public access policies of the Coastal Act. Although removing both entry monuments on each side of the road would conclusively resolve the privatization issue, the applicants are proposing signage (described above) that will mitigate any lingering impression that the area beyond the single monument is exclusive and private. Thus, a special condition is imposed which requires that the eastern entry monument be deleted from the proposed project and that revised plans be submitted reflecting this change.

Therefore, the Commission finds that only as conditioned to: 1) submit and comply with a comprehensive public access signage program, and 2) to delete the eastern monument for the project, can the proposed development be found to be consistent with the City's certified LUP policies regarding public access and with the public access policies of the Coastal Act.

### **C. Visual Resources**

The City's certified Land Use Plan contains the following policies regarding visual resources:

#### **Policy C 4.1.2**



*Designate lands for the provision of passive and visual open space on the Coastal Land Use Map, which provide a balance to the urban and suburban development of the Coastal Zone.*

Policy C 4.2.1 (in pertinent part)

*Ensure that the following minimum standards are met by new development in the Coastal Zone as feasible and appropriate:*

- a)...
- b)...
- c) *Evaluation of project design regarding visual impact and compatibility.*
- d) ...

Policy C 4.5.2 (in pertinent part)

Establish special regulations for on-premise signs within the Coastal Zone that may include but will not be limited to:

- f) ...
- g) Limits to the height, size, design and materials of signs.
- h) ...
- i) ...
- j) ...

The City's certified Land Use Plan contains the policies cited above to protect public views. The proposed project includes construction of a 10 ½ foot high, 23 feet wide entry structure within a public right-of-way and immediately adjacent to land that is land use designated Open Space Parks in the City's certified Land Use Plan. Such a massive structure in and adjacent to the public right of way, as well as adjacent to land designated for public park and open space recreational uses, would be visible to the public. In addition to the impacts to public access described above due to the scale and location of the structure, impacts to public views would also occur. Public views at this site occur from and across the future park as well as down Bolsa Chica Street toward the open space wetland areas beyond. The scale and location of the proposed development will adversely impact those public views, inconsistent with the requirements of the visual resource policies of the City's certified LCP.

However, with denial of the eastern entry monument, impacts to public views would be significantly reduced. Public views down Bolsa Chica Street toward the wetland areas would remain. Views from any future park at the site designated for park use would not be adversely impacted. Therefore, with elimination of the eastern entry monument, the proposed project can be found consistent with the visual resources policies of the City's certified Land Use Plan.

## **E. Unpermitted Development**

Development has occurred on site without benefit of the required coastal development permit. Unpermitted development on the site includes the construction of a raised planter

within the street median and construction of two entry monuments within portions of the public right-of-way. The applicants are requesting after-the-fact approval of the entry monuments and planter. The Commission finds the eastern entry monument to be inconsistent with the public access policies of the Coastal Act. Therefore, Special Condition 1 (Revised Plans) has been required to ensure that the eastern entry monument will be deleted from the approved project plans. Further enforcement action will be necessary to resolve this unpermitted development. To ensure that the matter of the unpermitted development is addressed in a timely manner, Special Condition 3 (Condition Compliance) requires the applicants to satisfy all conditions of this permit which are prerequisite to the issuance of this permit within sixty days of Commission action on this application, or within such additional time as the Executive Director may grant for good cause.

Although unpermitted development has taken place prior to submission of this permit application, consideration of the permit application by the Commission has been based solely on the consistency of the proposed development with the City of Huntington Beach's certified Local Coastal Program and the public access policies of the Coastal Act. Action on this coastal development permit application does not constitute a waiver of any legal action with regard to the alleged unpermitted development, nor does it imply any finding of legality of any development undertaken on the subject site without a coastal development permit.

#### **F. California Environmental Quality Act**

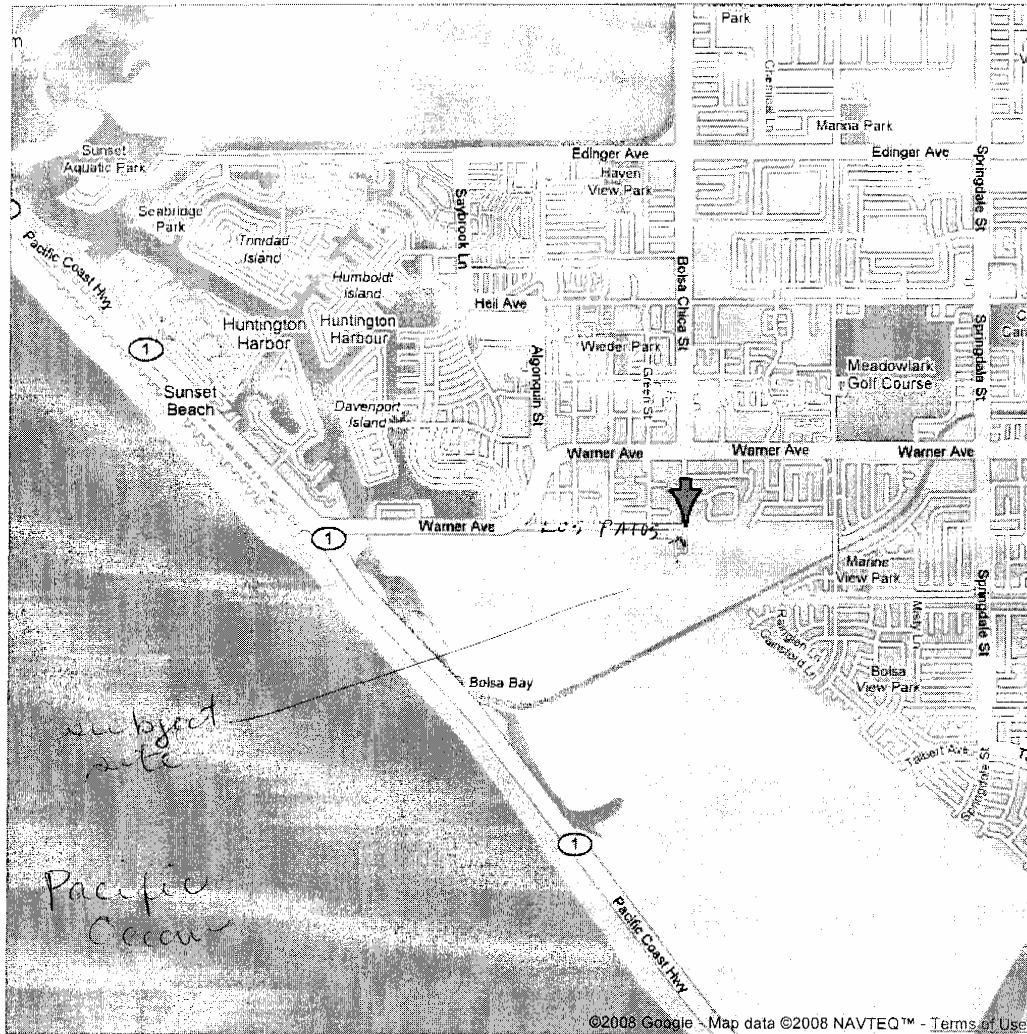
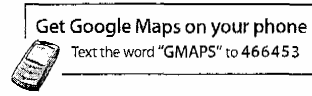
Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project, as conditioned, has been found consistent with the City of Huntington Beach certified LCP and the public access and recreation policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

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Brightwater Entry Monuments  
Page 17



Address **Bolsa Chica St & Los Patos Ave**  
**Huntington Beach, CA**  
**92649**

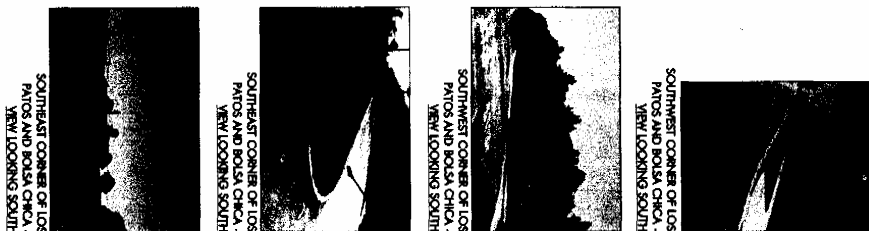
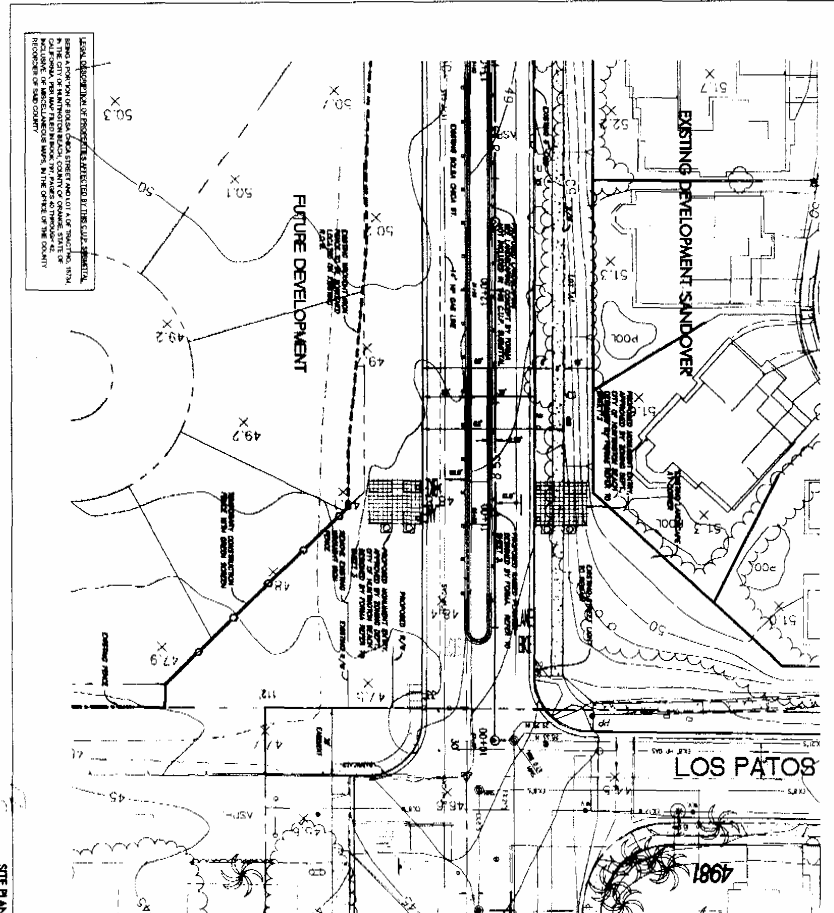


Vicinity Map

A-5-HNB-07-242

Exhibit 1

BRIGHTWATER  
 BRIGHTWATER 13-000



CHARTERED SURVEYOR  
 1997-2000  
 1997-2000

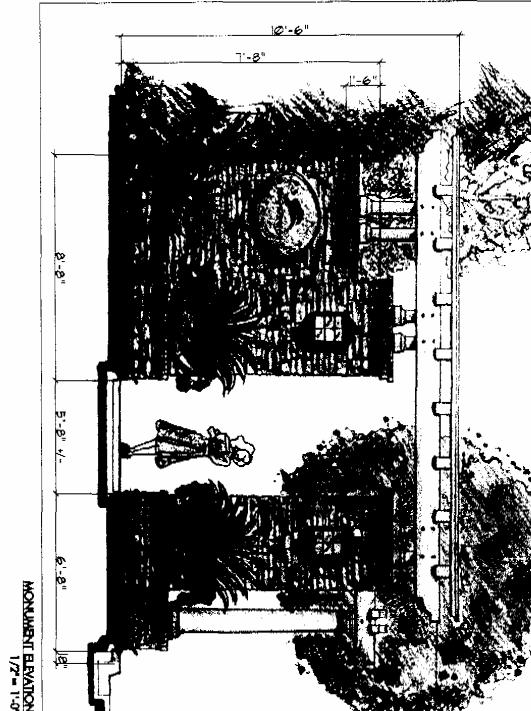
BOLSA CHICA STREET  
 PROJECT ENTRY, CUL

A-5-HNB-07-242

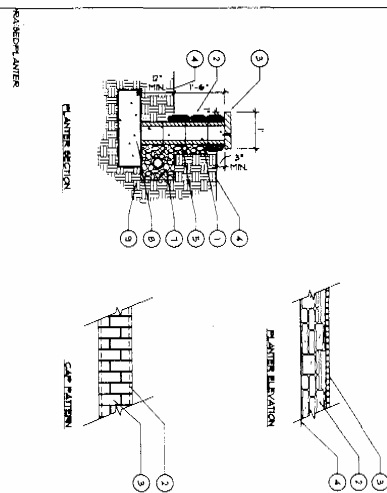
Exhibit 2  
 page 1 of 2

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Ex. 2  
2/2



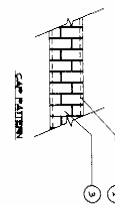
MONUMENT ELEVATION  
1/2" = 1'-0"



- 1 8" SOLE CYL. BLOCK
- 2 STONE VENEER
- 3 BRICK CAP/KEYSER PATTERN
- 4 FINISH GRADE
- 5 INTERLOCK THERMALE FIBER STRUCTURAL DETAIL
- 6 1" REBAR GRATE, 4" THICK GRANITE WALL AND 8" DIA. DRAINAGE PVC DRAIN
- 7 WALL DRAIN FINE STRUCTURAL DETAIL, PLACE TO THE DRAINAGE PER CIVIL
- 8 CONCRETE FOOTING
- 9 COMPACTED SAND/GRASS PER GEOTECHNICAL REPORT

NOTES:  
1. REBARING FOOTING DRAIN AND GROUT PER STRUCTURAL ENGINEER MATERIALS SPECIFICATIONS  
2. SCALE ON SHEET C-10-07 FOR ALL PATTERNS  
3. COORDINATE AND FINISH

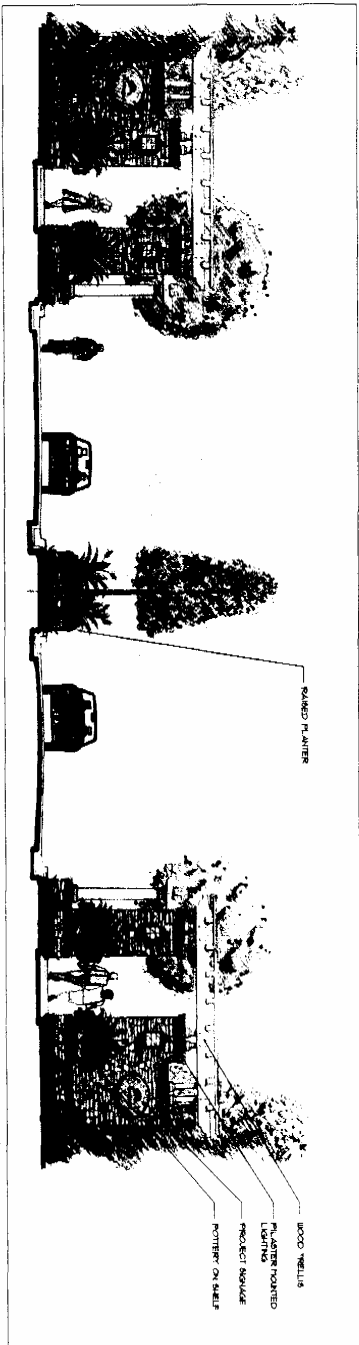
PLANTER SECTION



CAP PATTERN

MEDIUM PLANTER

SCALE: 3/4" = 1'-0"



ENTRY ELEVATION  
1/2" = 1'-0"

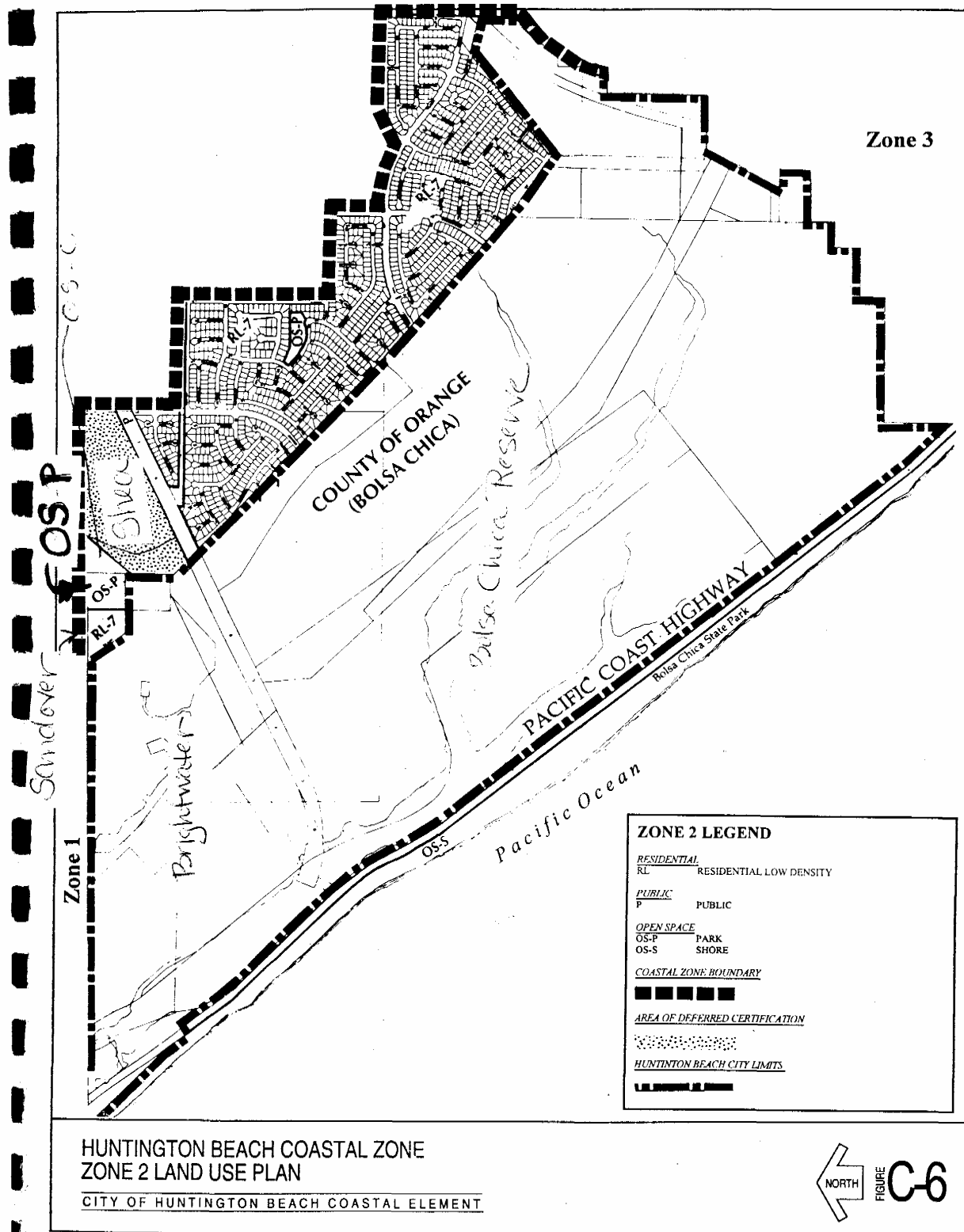
PLANTER SECTION

SCALE: 3/4" = 1'-0"

BRIGHTWATER



NOVA CHICA STREET  
PROJECT ENTRY, C.U.D.

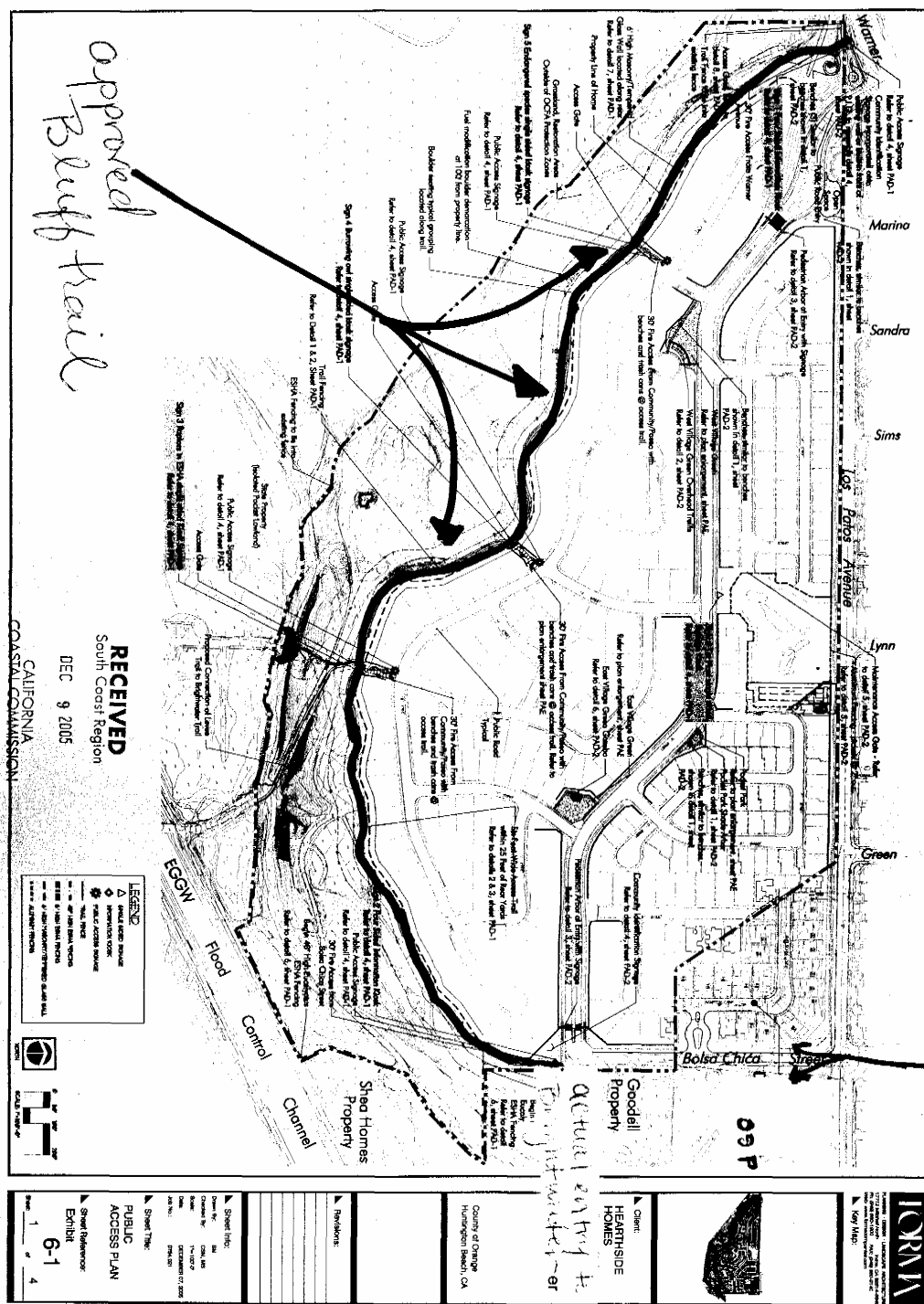


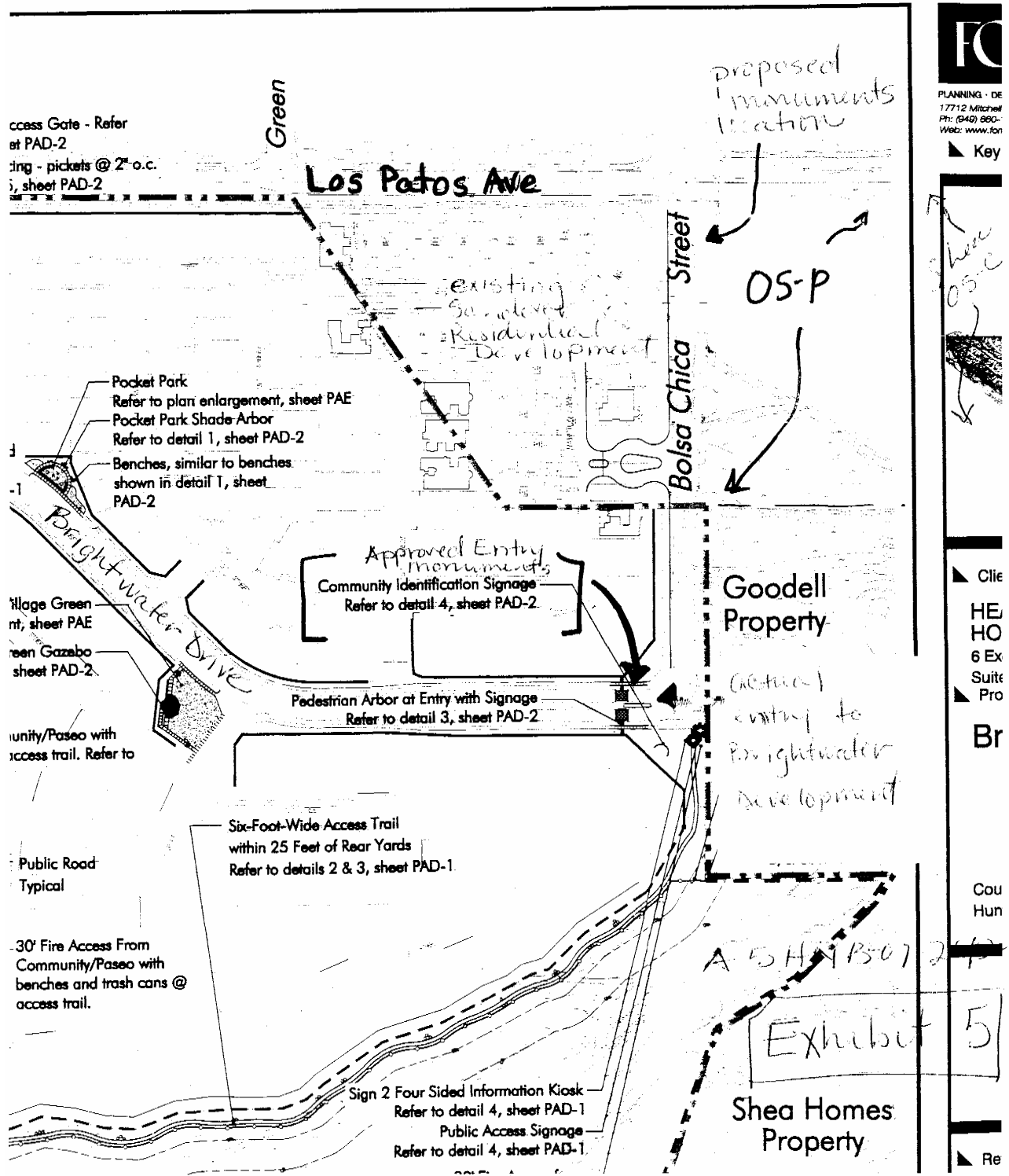
A-5-HNB-07-242

IV-C-21

Exhibit 3

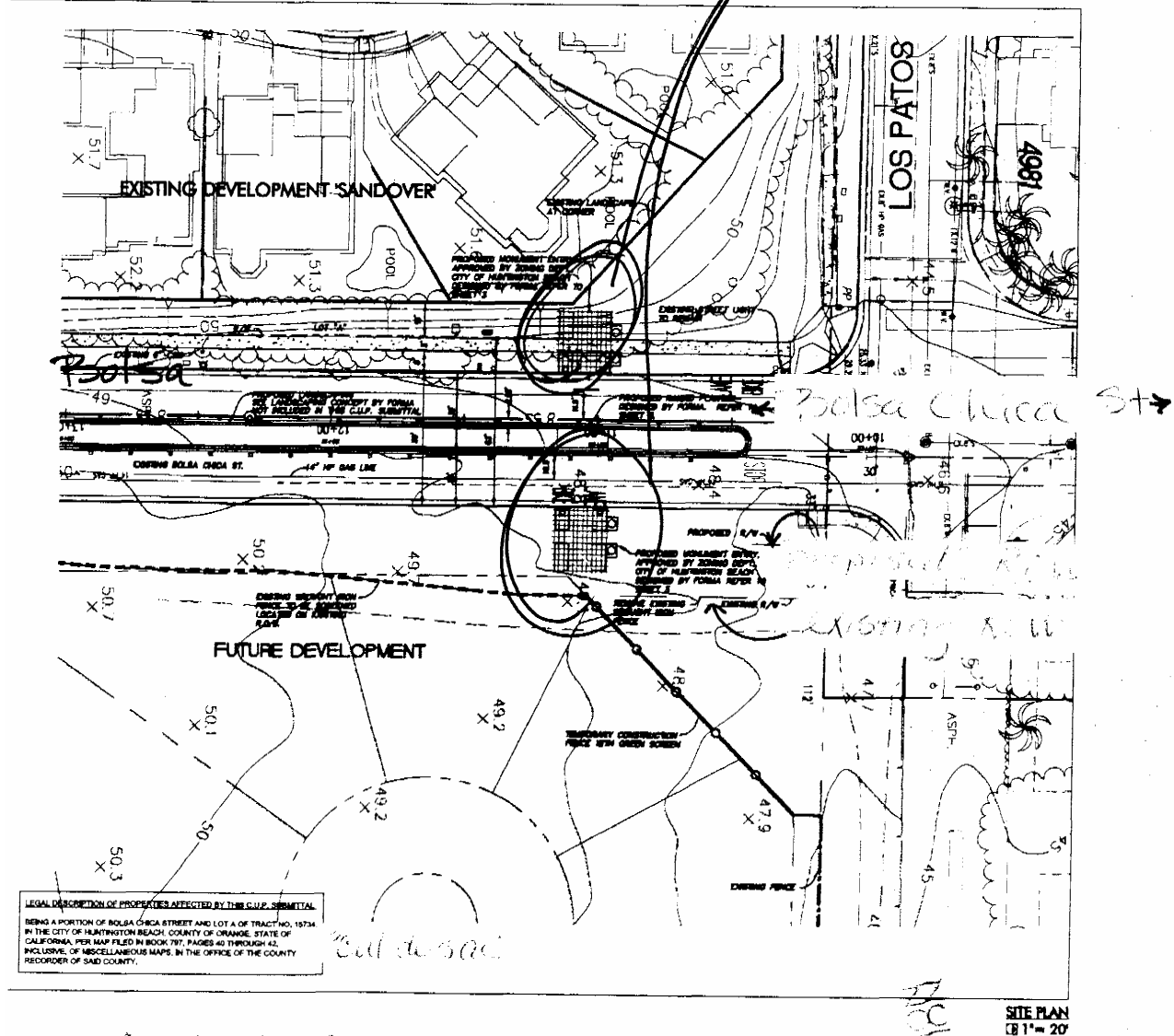






Site Plan w/ "Future Development" Notations

proposed  
entry  
monuments



A-5-HNB-07-242

Exhibit 6

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Brightwater Entry Monuments  
Page 24

[planning] [design] [landscape architecture] [entitlement] [mapping/presentations]



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January 24, 2008

Ms. Teresa Henry  
South Coast District Manager  
**California Coastal Commission**  
*South Coast District*  
200 Oceangate, 10th Floor, Suite 1000  
P.O. Box 1450  
Long Beach, CA 90802-4302

RE: Expanded Public Trail Access Signage Program / Entry Monuments  
(Appeal A-5-HNB-07-242 of Coastal Development Permit)  
CDP No. 5-05-020 (Hearthside Homes' Brightwater Project, Orange County)

Dear Teresa:

As we discussed at our meeting with you at the Coastal Commission offices on December 4, 2007, FORMA has prepared an expanded signage program for Brightwater's public interpretive trail. This program has been reviewed and approved by the City of Huntington Beach for the locations/installations shown, including City-required colors for signs within public street rights-of-way.

The Expanded Public Trail Access Signage Program is illustrated on Exhibits 1 and 2 submitted with this letter, and provides visually clear public notification to motorists, bicyclists, and pedestrians as to the existence of – and how to get to – Brightwater's interpretive trail.

Exhibit 1 shows the progression of signs along the length of Bolsa Chica Street from Warner Avenue to the Interpretive Trail Staging Area south of the intersection of Brightwater Drive and Bolsa Chica Street. As shown, five (5) signs will be provided:

1. Two (2) signs will be installed on Warner Avenue – one for westbound traffic and one for eastbound traffic – directing the public south down Bolsa Chica Street toward the trailhead;
2. A new monument sign will be installed in a new median in Bolsa Chica Street north of Los Patos, identifying "Public Trails" with an arrow pointing straight ahead. The details of this monument sign are provided on Exhibit 2;
3. A new public trail access sign will be installed immediately below the City's existing "Bike Lane" sign within the Bolsa Chica Street parkway, south of Los Patos; and
4. A new public trail access sign will be installed south of the intersection of Brightwater Drive and Bolsa Chica Street, with the additional language: "Straight Ahead" (to the Brightwater Interpretive Trail Staging Area).

*-page 1 of 4*

s:\clients\hearthside\_07540754002\05\_project\_documents\word\_processing\2008\_brightwater\public access signage and monuments\pve\_letter\_to\_teresa\_henry\_20080124.doc

*A 5-HNB-07-242*

*Exhibit 7*

A-5-HNB-07-242  
Brightwater Entry Monuments  
Page 25

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Ms. Teresa Henry  
California Coastal Commission  
January 24, 2008  
Page 2 of 2

Exhibit 2, as noted, contains the design details for the new monument sign – its location, section (elevation), and close-up view – in the new median before you get to Los Patos Street. This new sign is especially intended to offset any impression that Brightwater is a private community. (Commission Staff had expressed its opinion that the sidewalk entry monuments in the parkways along Bolsa Chica Street might create an impression that Brightwater is private when, in fact, its trails, streets, sidewalks, parks, and recreation areas are fully open to the general public.)

We believe this Expanded Public Signage Program is extremely clear and understandable, and exceeds the requirements of Brightwater's CDP 5-05-020 by adding the signs described in items 2, 3, and 4 above that were not previously required by the Coastal Commission.

Exhibit 2 also contains the correct 10-foot height for the Community Arrival Monuments approved by the City of Huntington Beach. As approved, they are 5 feet shorter than the 15-foot-high monuments originally proposed by Hearthside Homes. (This is for reference regarding Appeal A-5-HNB-07-242).

We respectfully request that, in conjunction with this Expanded Public Signage Program, the two entry monuments – which were permitted by a CDP issued by the City of Huntington Beach, constructed by Hearthside Homes, and then appealed to the Coastal Commission (Appeal A-5-HNB-07-242; Brightwater Entry Monument) – should now be permitted by the Coastal Commission.

Hearthside Homes is hoping that the Expanded Public Trail Access Signage Program and the Entry Monument Appeal might be resolved at the Coastal Commission's April 2008 meeting.

Please review the exhibits and feel free to call or email me if you have any comments or questions.

Sincerely,

FORMA

Paul V. Edwards  
Senior Associate

Cc: Ed Mountford, Senior Vice President, Hearthside Homes  
Carol MacFarlane, Principal Landscape Architect, FORMA

*Exhibit 7*  
*page 2 of 4*

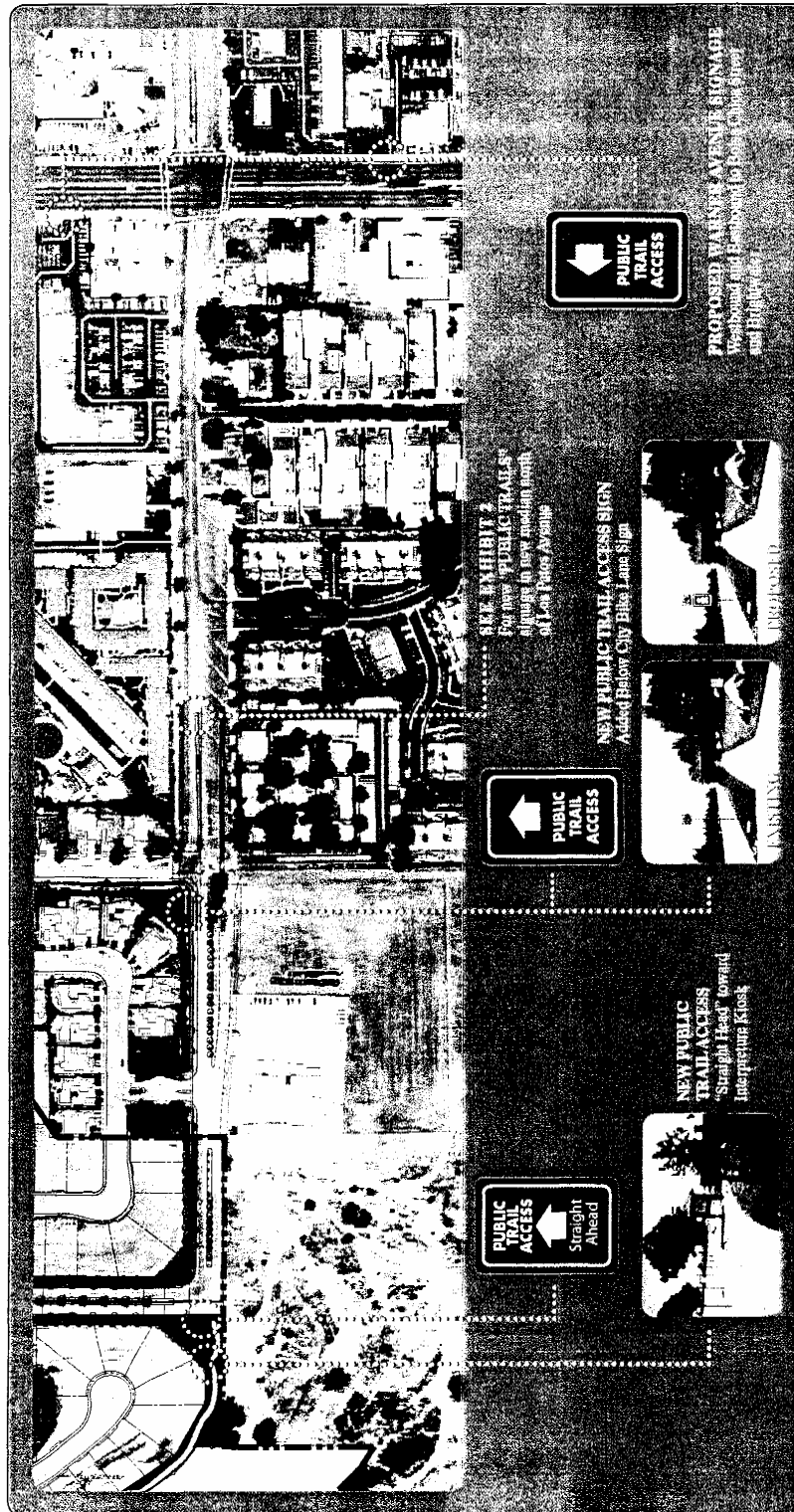


Exhibit 1 of 2  
 Public Trail Access Signage

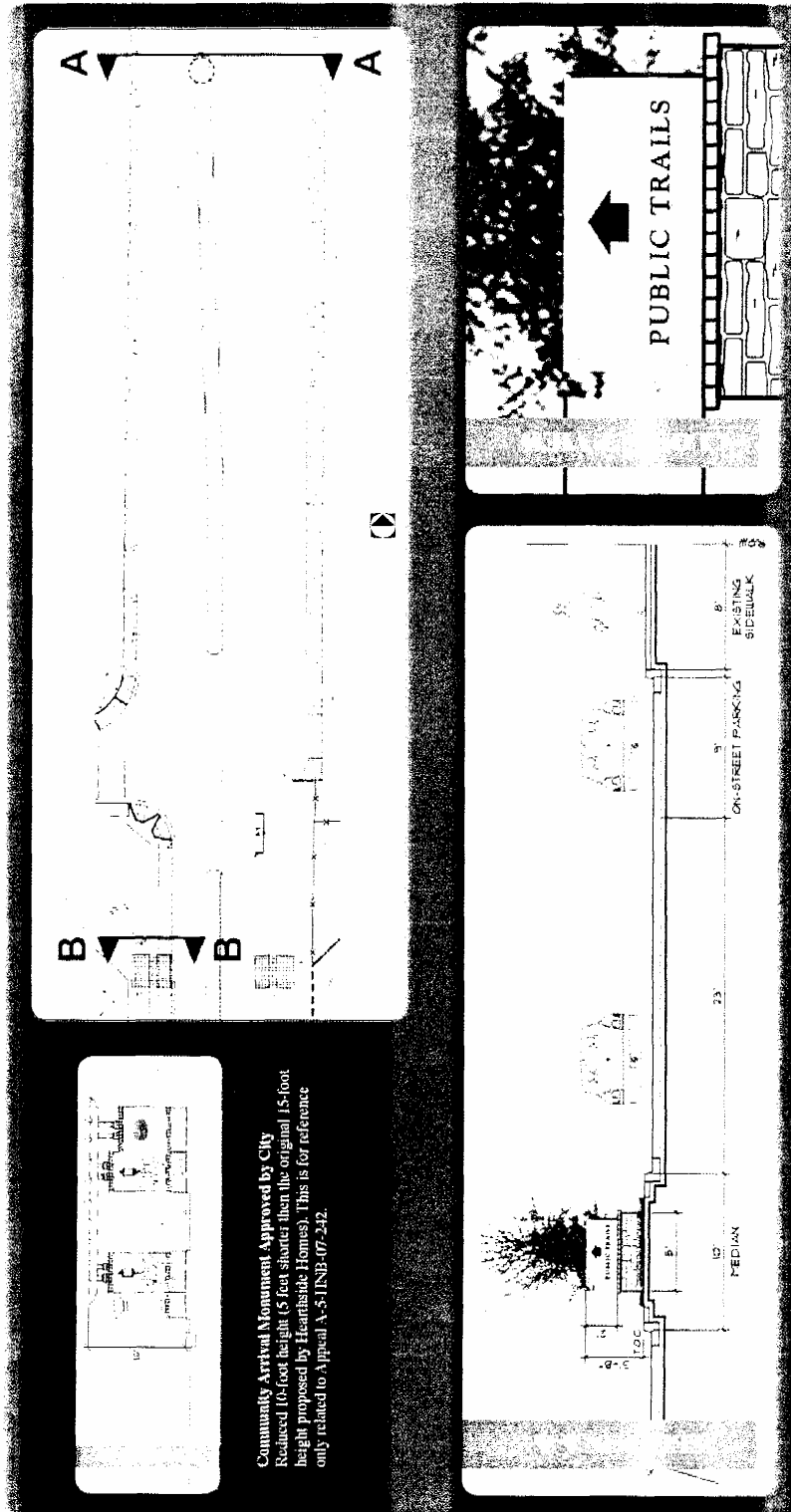


BRIGHTWATER



page 3 of 4

Exhibit 7



Community Arrival Monument Approved by City  
 Reduced 10-foot height (5 feet shorter than the original 15-foot  
 height proposed by Hearthiside Homes). This is for reference  
 only related to Appeal A-5-HNB-07-242.

Exhibit 2 of 2  
 Public Trail Access Signage

FORM  
 01/24/2008

BRIGHTWATER



Exhibit 7

page  
 4 of 4